

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-64

CHRISTOPHER L. RAMIREZ,

Defendant.

**ORDER GRANTING MOTION TO APPEAL IN FORMA PAUPERIS AND DENYING
MOTION TO WITHDRAW AS COUNSEL**

Defendant Christopher Ramirez was sentenced on August 16, 2021 to 120 months in prison after his conviction for possession with intent to distribute Methamphetamine. Ramirez privately retained Attorney John Miller Carroll. Judgment was entered on August 17, 2021, and on August 26, 2021, Attorney Carroll filed with the district court a Notice of Appeal and a “Proposed Order for Withdrawal” seeking to be removed as counsel for Ramirez. The Clerk of Court issued a Notice of Electronic Filing Error after the filing of the “Proposed Order for Withdrawal” which stated “Proposed Orders should be e-filed as an attachment to the stipulation or motion and NOT e-filed as a separate document. Please file a motion with the proposed order attached to the motion.” 8-27-2021 Court Notice. No further action was taken by counsel after the Clerk issued the Notice of Electronic Filing Error. On September 7, 2021, Attorney Carroll filed “Defendants Motion to Proceed In Forma Pauperis,” stating Mr. Ramirez is “unable to make full prepayment of fees or to give security therefore, and unable to retain private counsel.”

To the extent that Mr. Ramirez is unable to pay the cost of an appeal, the motion will be GRANTED in that respect only. Ramirez attached an affidavit stating he is incarcerated and has

no income or assets. Dkt. No. 26-1. However, this Court is unable to take any action relieving Attorney Carroll from his representation of Mr. Ramirez. Pursuant to the Seventh Circuit's

PRACTITIONER'S HANDBOOK FOR APPEALS:

When a convicted defendant wants to appeal and appointed trial counsel wishes to withdraw, counsel is still responsible for representing the defendant until relieved by the court of appeals. *See* Cir. R. 51(a). Circuit Rule 51(a) requires retained trial counsel also to continue representation on appeal, unless relieved of this responsibility by the court of appeals.

PRACTITIONER'S HANDBOOK FOR APPEALS at XVI B, p. 131. To the extent that Dkt. Nos. 21 and 26 seek counsel's withdrawal from his representation as counsel for this appeal, that request is DENIED. Such relief must be requested directly to, and addressed by, the Court of Appeals. *See also* Circuit Rule 51(a).

IT IS THEREFORE ORDERED that the motion to appeal *in forma pauperis* is **GRANTED** and the request to withdraw as counsel is **DENIED**.

Dated at Green Bay, Wisconsin this 8th day of September, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge